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99th Congress
2d Session

HOUSE OF REPRESENTATIVES

SOUTHWEST BORDER HEARINGS EL PASO, TEXAS—TUCSON, ARIZONA—SAN DIEGO, CALIFORNIA

AND

MEXICO TRIP REPORT NOGALES—MEXICO CITY—CULIACAN

(January 12-19, 1986)

A REPORT

OF THE

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

NINETY-NINTH CONGRESS

SECOND SESSION

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INTRODUCTION

From January 12 to 19, 1986, the Select Committee on Narcotics Abuse and Control in furtherance of its responsibility to conduct a comprehensive and continuing oversight of the traffic and abuse of narcotic and psychotropic drugs affecting the United States, carried out a series of hearings and study mission along the U.S.-Mexican border and in Mexico City. Mexico is not only one of the major heroin and marijuana producing countries, contributing an estimated 42 percent of the heroin and 35 percent of the marijuana affecting the U.S., but is increasingly becoming a major transshipment point for narcotics, in particular cocaine, from South America.

FOREWORD

The following is a report on the Select Committee on Narcotics Abuse and Control's Mexican Border Study Mission conducted from January 12 through 19, 1986. The Committee held hearings in the U.S. border cities of El Paso, Texas; Tucson, Arizona; and San Diego, California, then proceeded to Mexico City, Mexico, to discuss its findings with top level Mexican and U.S. Embassy officials. The Committee conducted this mission at the request of the Congressional Border Caucus Members who have become increasingly alarmed at the volume of narcotics trafficking in their districts.

Members of the Select Committee participating in this mission were: Chairman Charles B. Rangel of New York; Ranking Minority Member Benjamin A. Gilman of New York; Representative James H. Scheuer of New York; Cardiss Collins of Chicago; Frank Guarini of New Jersey; E. Clay Shaw of Florida; Michael Oxley of Ohio; and Duncan Hunter of California. Border Caucus Members Ronald Coleman of Texas, Joe Skeen of New Mexico, Jim Kolbe of Arizona and Jim Bates of California participated in hearings held in or near their districts.

Accompanying the Select Committee were John T. Cusack, Chief of Staff; Elliott A. Brown, Minority Staff Director; George R. Gilbert, Counsel; Edward H. Jurith, Counsel; Ron LeGrand, Counsel; Deborah A. Bodlander, Minority Professional Staff; Rebecca L. Hedlund, Executive Assistant; J. Garner Kline, Judiciary Committee; Arthur P. Endres, Judiciary Committee; John Galloway, Committee on Government Operations; George Burke, of Congressman Scheuer's office; Robert McClure, of Congressman Guarini's office; Roger Fleming of Congressman Shaw's office; Representatives of Federal agencies participating were Khalil D. Munir of Customs and James M. Kenaston of the Drug Enforcement Administration.

EXECUTIVE SUMMARY

The Select Committee on Narcotics Abuse and Control completed an eight day study mission to the U.S.-Mexican border and Mexico City, held January 12–19, 1986, to study the reports of increased drug production in Mexico, increased drug trafficking activity through Mexico into the United States and the law enforcement and drug abuse problems created in the border States by the influx of drugs from Mexico. The mission was conducted at the request of Members of the Congressional Border Caucus.

Mexico has been a major traditional source of the heroin and marijuana consumed in the United States. From the early 1930's through the mid-1960's Mexico dominated the U.S. marijuana market, supplying at least 95 percent of that illicit substance. The advent of Jamaica, Colombia and parts of the United States as producers of marijuana, as well as an intensive marijuana eradication campaign starting in 1975 in Mexico, utilizing the herbicide paraquat, diminished the Mexican share of this cultivation to a low of about 4 percent of the American marijuana market in 1981.

However, there has been a resurgence of Mexican marijuana cultivation since then, bringing the total production of Mexican marijuana consumed in the U.S. to an estimated 35 percent in 1985. It is produced in virtually every region of Mexico. In 1984, a total of 70 metric tons of marijuana were seized at Ports of Entry along the Mexican border. In the first half of 1985 already 54 metric tons were seized.

Opium has been illicitly produced and smuggled into the United States from Mexico since the early 1930's. It did not comprise a major share of the U.S. market until the demise of the "French Connection" in 1972. At that point in time, French manufactured heroin accounted for about 80 percent of the supply; Mexican, 15 percent; and Southeast Asian, 5 percent. Criminal organizations in Mexico scrambled to meet the void in heroin supply created by the cutoff of French heroin. By 1975 Mexico was the source of 87 percent of the heroin consumed in the U.S.

The Mexican government responded with an intensified opium eradication program utilizing the herbicide spray 2,4-D applied by helicopter. This program was effective and Mexican production declined to a low in 1979 of about 30 percent of the U.S. market. Since then, however, it has been steadily increased to maintain an estimated 30 to 40 percent share. The estimate for 1985 was that it represented about 42 percent of the total U.S. heroin market, which was growing.

Most of the opium grown in Mexico is cultivated in the tri-state area of Chihuahua, Durango and Sinaloa. The delegation went to Culiacan in Sinaloa where they inspected a recently eradicated opium poppy field and witnessed the aerial spraying of 2,4-D onto another.

The Committee was unable to obtain accurate statistics on either opium or marijuana cultivation and eradication; each source had a different estimate. Total production of opium was estimated within the broad range of 21 and 45 metric tons.

However, a trend in the estimates was consistent: the cultivation of opium poppies, production of heroin, and the cultivation of marijuana are increasing substantially. The number of hectares eradicated may be debated, but the fact remains that eradication is being rapidly outpaced by production. Evidence in the United States corroborates this: much higher purity levels of Mexican heroin are being supplied at lower prices, indicating a dramatically increased supply.

While the Select Committee has often lauded the Mexican government's narcotics control efforts in the past, confidence in the success of their programs has been diminishing over the last several years. With the kidnapping, brutal torture and murder of DEA Special Agent Enrique Camarena, the American public was shocked into recognition of the lack of Mexican cooperation in narcotics control and the severe corruption inherent in their law enforcement system.

The Mexican Attorney General asserted that the Camarena murder, in his opinion a desperate retaliatory measure for the seizure of 8,000 tons of marijuana at Chihuahua, was an indication of effective narcotics control efforts. The Select Committee's findings do not support that.

The lack of progress in the Camarena investigation, due in part to insufficient resources and in part to unknown degrees of corruption at various levels of the Mexican government, is an indication that narcotics law enforcement in Mexico leaves a great deal to be desired. U.S. officials voiced frustration that they were doing much of the investigation and yet the evidence they presented to the appropriate Mexican law enforcement officials was not being used.

The Committee feels it is important to pursue the investigation of Special Agent Camarena's death and to bring those responsible to justice. In addition to righting a gross injustice, the investigation would be a step toward eliminating corruption within the Mexican narcotics law enforcement and judicial system, a problem which seriously needs to be addressed.

The Select Committee encourages enhanced detection and eradication efforts in Mexico. The Committee is extremely concerned at the sharp increase in the production and availability of Mexican narcotic crops.

In addition, with the tremendous increase in coca production in South America, the volume of cocaine transiting Mexico destined for the United States has also increased dramatically. The Select Committee would like to see intensified efforts to combat this serious problem.

U.S. Customs and Coast Guard officers, DEA agents, State and local law enforcement agents are completely overwhelmed by the volume of drugs entering the U.S. Their frustration was voiced repeatedly throughout the mission. Many felt that even with increased resources and manpower they would still be virtually helpless against the vast number of traffickers who possess high-tech

equipment and engage in sophisticated countersurveillance activities to avoid Coast Guard and Customs patrols.

The inability to control the supply of narcotic and psychotropic substances has driven many law enforcement officials, traditionally supply reduction advocates, to call for intensified demand reduction initiatives. The Committee was urged repeatedly by law enforcement officers to intensify Federal efforts to educate the American people on the dangers of drug abuse and thus to decrease demand for these illicit substances.

Accompanying the increase in the volume of drugs smuggled through the border States in recent years, is an increase in drug abuse within those States. Like other States with severe narcotics abuse problems, treatment professionals feel crippled by the substantial cutbacks in Federal support for drug treatment under the Alcohol, Drug Abuse and Mental Health Services Block Grant. The Committee recommends that some of this funding be restored.

In conclusion, the Committee found the situation along the U.S.-Mexican border totally out of control and threatening, not only to the region itself, but to the entire country. Significant steps must be taken soon in order to impact on the traffic of heroin, marijuana and cocaine from Mexico and hence on the abuse of those substances which causes so much pain and suffering to the American people.

THE BORDER

EL PASO

The Select Committee delegation arrived in El Paso on Sunday, January 12. That afternoon, the Committee was given a series of briefings at the El Paso Intelligence Center (EPIC) on the Center's operations.

Initially a Drug Enforcement Administration (DEA) and Immigration and Naturalization Service (INS) operation, EPIC has been expanded both in the number of participating agencies and in its geographic scope. In addition to DEA and INS, Federal agencies now participating in EPIC include: Customs; Coast Guard; Bureau of Alcohol, Tobacco and Firearms (BATF); U.S. Marshals Service; Federal Aviation Administration (FAA); Internal Revenue Service (IRS), and the Federal Bureau of Investigation (FBI). State law enforcement agencies also provide intelligence and have access to information through EPIC.

While EPIC also deals with immigration and contraband intelligence, its primary objective is to provide a complete and accurate intelligence picture of drug movement by land, sea, and air throughout the world, with an emphasis on drugs targeted for the U.S. Officials briefed Committee members on inspection procedures and problems, especially as they relate to narcotics control at the ports of entry (POE) in El Paso and San Diego.

EPIC officials stressed the need to expand their operation, indicating that the volume of raw intelligence far outstrips their data analysis capabilities. There are two Federal intelligence agencies which currently do not participate in EPIC's activities: the Central Intelligence Agency (CIA) and the National Security Agency (NSA). Ideally, EPIC would like to work with both agencies to enhance its ability to collect, coordinate and disseminate intelligence relating to immigration, narcotics and other contraband.

The delegation left EPIC for the border crossing station where they were briefed on the station's operations. They were given the opportunity to observe INS and Customs inspect vehicles and persons crossing into the United States. In addition, they witnessed a specially trained dog sniff out concealed narcotics from under a car.

EL PASO HEARING

Select Committee Members attending the El Paso hearing were Chairman Rangel, Reps. Scheuer, Collins, Guarini and Shaw. Border Caucus Members Ron Colemen and Joe Skeen also participated.

The Committee first called Governor Mark White of Texas and Governor Toney Anaya of New Mexico to testify. Governor White

illustrated the dramatic increase in the volume of narcotics trafficking in Texas by citing some Texas Department of Public Safety statistics: in 1983, narcotics with a street value of $54 million were seized; in 1985, in spite of falling prices, $435 million worth of narcotics were seized, almost a sevenfold increase. He estimated that over 700,000 Texans need drug abuse treatment and that approximately 300 die from drug overdoses annually.

Governor White stressed some of the achievements made in Texas in fighting drug trafficking and abuse. Texas law enforcement agencies have increased their marijuana eradication efforts. In 1983, they destroyed 36,200 plants. They intensified their eradication efforts, progressing to 499,000 plants in 1985.

The following are questions sent to Governor White and the responses he submitted:

QUESTIONS

Law enforcement

1. Are drug trafficking problems in your State getting better or worse?
2. What drugs pose the greatest problems in your State in terms of illicit traffic?
3. What steps are you taking to curtail the smuggling of illicit narcotics across your border with Mexico?
4. Are you satisfied with the level of Federal efforts to control drug smuggling into your State from Mexico? What more should the Federal Government be doing to control this traffic?
5. Are you satisfied with the extent of cooperation that currently exists among Federal and State agencies working to curtail drug trafficking in your State?
6. Do you have sufficient resources at the State level, in terms of law enforcement personnel, prosecutors, courts and prisons, to adquately handle narcotics crime and other drug-related criminal activity?
7. The Comprehensive Crime Control Act of 1984 permits the Federal Government to share seized assets with States. Have you realized any benefits from these provisions?
8. Does your State have an asset forfeiture law to attack the ill-gotten gains of drug traffickers?
9. What role do you think the U.S. military should play in stopping the smuggling of drugs into the United States from Mexico and other sources?

Treatment/prevention

1. The Select Committee recently held hearings in New York State which established a strong link between intravenous drug abuse and the spread of AIDS. How serious is the problem of AIDS among TV drug users in your State?
2a. What initiatives have you undertaken in the area of drug prevention? Specifically, does your State have a mandatory drug education program in your schools?
2b. If not, do you think such a program would be useful?
2c. How can the Federal Government best assist States in encouraging and supporting comprehensive drug education programs in the schools?
3. Has drug abuse become more or less prevalent in your State in the last two years?
4. What drugs present the greatest difficulties in your State in terms of abuse?
5a. Do you have sufficient treatment capacity in your State to meet the needs of those substance abusers who are seeking services?
5b. If not, to what extent is your State unable to meet the needs for services?

RESPONSE TO QUESTIONS FROM THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Law enforcement

1. Drug trafficking is getting worse in Texas.
2. In terms of illicit traffic, marijuana, cocaine, and heroin pose the greater problems.
3a. We have pressed the Federal Government for additional support in the surveillance of low-flying aircraft suspected of smuggling contraband via our southern

borders. The Department of Public Safety has utilized electronic surveillance in intelligence-gathering activities.

3b. We have enlisted the assistance of the Texas Air National Guard in reporting suspicious activities observed during flight training exercises.

3c. In spite of manpower limitations, the Texas Department of Public Safety has maintained a flexibility deployment of personnel in the areas of heavy drug trafficking activities.

4. Although we feel that the Federal Government has not assumed full responsibility for interdiction efforts, we are pleased to see some renewed interest on their part. I am concerned that recent emphasis on budget reductions may impede increased military air surveillance, participation of Customs agents in naval interdictions, and the promise of Aerostat radar and pursuit planes along the border.

5. I am definitely satisfied with the interest generated by all participants during our recent conferences, where groundwork was laid for coordination of effort. I am very hopeful that the findings of the House Select Committee will provide the impetus needed to influence the Federal Government to increase its role in the drug interdiction problem.

6. No.

7. Provisions of the 1984 law have provided limited benefits to Texas. The Department of Public Safety was administratively awarded two vehicles and a damaged small airplane by the Drug Enforcement Administration (DEA).

8. Under the illegal investment provisions of the Controlled Substance Act, assets forfeited by those involved in drug trafficking are disposed of by the court of jurisdiction. Generally, each county district attorney maintains a criminal law enforcement fund, designated for local criminal justice programs in which seized assets and cash are deposited.

9. Texas will pay the price to reduce drug production, sale, and use in our State, but we feel that the Federal Government should play the lead role in interdiction efforts. This would include stepped-up use of radar-equipped airplanes, allowing customs agents to ride in naval vessels to conduct searches, Aerostat radar and pursuit plans along the border, and increased staffing of Federal agents along crucial trafficking routes.

Treatment/prevention

1. Althought the problem of AIDS among Schedule IV drug users is believed to be on the increase, actual statistics are not available at this time. My office is working with the Department of Health, Texans War on Drugs, and other groups in efforts to evaluate the impact of this problem.

2a. Drug education is addressed in the public schools as a part of the health education curriculum. The program presently used in junior high and high schools was recently expanded to include elementary schools.

2b. N/A

3. Drug abuse has become more prevalent. New concerns have been raised about a marked increase in inhalant abuse among the youth.

4. Although alcohol, marijuana, cocaine, and heroin have been traditionally abused, there has been an increase in the use of combinations of these drugs. The use of alcohol combined with amphetamines and barbiturates of alcohol combined with marijuana are becoming more frequent.

5a. No. Our State does not have the treatment capacity to meet the needs of substance abusers.

5b. There is a large number of private facilities available in Texas. However, the cost for service in these facilities is unaffordable to most who need the treatment.

Governor Anaya stressed the need to address the demand side of the drug abuse problem.

Local law enforcement witnesses included: Sergeant Paul Irwin, Narcotics Unit, Special Investigative Group, El Paso Police Department; and Sheriff Henry B. Diaz, Dona Ana County, New Mexico.

The local treatment, prevention and education panel included: Chilo L. Madrid, Executive Director, Aliviane, Inc. El Paso, accompanied by Dr. Victor Acosta, Director, Centros de Integracion Juvenil, Juarez, Mexico; Ted Kepple, Director, Office of Instructional Resources/Health and Physical Education, El Paso Independent

School District; and Michael L. Eicher, President, El Paso Parents for Drug Awareness.

Federal witnesses testifying were: Phillip E. Jordan, special Agent-In-Charge, Dallas Division, Drug Enforcement Administration; Dennis T. Snyder, Regional Commissioner, Southwest Region (Houston), U.S. Customs Service; and Larry L. Richardson, Chief Patrol Agent, Border Patrol, Immigration and Naturalization Service, El Paso.

Tucson

The Committee arrived in Tucson, Arizona, on Monday evening, January 13th. The hearing was scheduled for early Tuesday morning.

Select Committee Members participating in the hearing were: Chairman Rangel, Reps. Scheuer, Collins, Guarini, and Shaw. In addition, Congressman Jim Kolbe of Arizona, who had requested the hearing, participated.

State and local law enforcement witnesses included: Colonel Ralph Milstead, Director, Arizona Department of Public Safety; and Peter Ronstadt, Chief of Police, Tucson, Arizona.

The Federal law enforcement witnesses included Dick Johnson, Special Agent-In-Charge, Phoenix, Arizona, Drug Enforcement Administration; Jerry D. Jondall, Chief Patrol Agent of the Border Patrol (Immigration and Naturalization Services); and from U.S. Customs: Dennis Snyder, Regional Commissioner; Joseph Maxwell, Chief, Air West; Don Turnbaugh, Assistant Regional Commissioner (Enforcement); Donald Cough, Assistant Regional Commissioner (Inspection).

Testifying as treatment experts were: Ed Zborower, Drug Program Representative, Office of Community Behavior/Health, Arizona Department of Health Services; Gary Ackerson, Executive Director, ADAPT, Inc., Pima County, Arizona; Domingo Rodriguez, Director, Chicanos Por La Causa, Inc., Phoenix, Arizona.

The prevention witnesses included: Al Rivera, Assistant Principal, Pueblo High School, Tucson; Kristine Bell, Arizona Department of Education, School Improvement Unit; Mark Nathan and Scott Schasan, students at Santa Rita High School, Tucson; and Marilyn Civer, Chairman Interagency Committee on Substance Abuse for Arizona, National Federation of Parents for Drug-Free Youth, Tucson.

Nogales

On Tuesday, February 14, 1986, following the hearing at Tucson, the Select Committee Study Mission Members Chairman Rangel, Mr. Scheuer, Mrs. Collins, Mr. Guarini, and Mr. Shaw, joined by Mr. Kolbe of the Fifth Congressional District of Arizona, proceeded to Nogales where they met with Mr. Sergio Rosas-Lopez, an Assistant Federal Prosecutor, and Mr. Reuben Sesna-Mendoza, the local Commandante of the Mexican Federal Judicial Police, at the City Hall in Nogales, Sonora, Mexico.

After introduction with the aid of interpreters Maria Rodriquez of Mr. Udall's office, and Mr. Miguel Valencia of Mr. Kolbe's office, Chairman Rangel expressed concern over the greatly increasing

availability of marijuana, heroin and cocaine, and the increasing use of Mexico as a transshipment point for drugs, particularly cocaine en route from South America to the United States.

Mr. Mendoza responded that Chairman Rangel's statement is an assumption because Mexico goes through great pains to insure that its border is tight. Mr. Mendoza added that both pedestrians and vehicles are searched thoroughly. He said that the Mexicans have an equal interest in the drug problem, and he cited a recent incident in which a smuggling aircraft from the United States was seized in Mexico. It had come from La Paz, Bolivia, with 600 kilograms of cocaine destined for the U.S.

Chairman Rangel responded that the Members of the Delegation came not as critics but as friends concerned with resolving a mutual problem. Messrs. Mendoza and Rosas were in full agreement and stated that they were very pleased to have such an excellent working relationship with the Drug Enforcement Administration's Nogales (Arizona) Resident Office.

Chairman Rangel asked, "How can we be more helpful? What successes are you having? How many seizures, drug arrests and prosecutions have been made?" Mr. Mendoza responded that that kind of information is kept in Hermosillo and he was not authorized to discuss it.

Chairman Rangel reminded the Mexican officials that this U.S. Congressional Delegation is on a study mission covering the entire U.S.-Mexican border, and will meet with the President and Attorney General of Mexico. Mr. Mendoza replied that he and Mr. Rosas hope that both countries will benefit from the study mission in that drug trafficking will be eliminated.

Mr. Rangel clarified the meaning and purpose of the study mission. "We want to report back to Congress about eradications, arrests, seizures, and prosecutions, and that the Mexican Government's drug enforcement efforts are being effective." Mr. Mendoza said, "That information cannot be disclosed by me; only by my superiors in Hermosillo." Mr. Rangel replied, "I'm not asking for secret information. I'm simply asking for the number of drug cases and eradications you've had."

Mr. Rosas said that they have conducted surveillance to locate marijuana and poppy fields. Once those fields are located, police officers and soldiers are then dispatched to destroy them. Mr. Scheuer cited testimony of Border Patrol agents that a significant number of Mexican law enforcement officials have been assisting drug smugglers bring drugs into the U.S.

Chairman Rangel asked other Members of the Delegation if they had questions regarding local operations, rather than national. Mrs. Collins asked about the quality of cooperation between law enforcement agencies on both sides of the Nogales border.

The Mexican officials stated that cooperation is good. Mr. Rangel asked again about statistics on narcotic arrests and seizures resulting from the good cooperation between agencies on both sides of the border, but met with the same refusal to disclose such information. Resident Agent-In-Charge Richard Thomas of the Nogales, Arizona, DEA Office stepped forward and volunteered that cooperation has been very good between DEA in Nogales and the Mexican

Federal Judicial Police in Nogales (Mexico) and elsewhere in the State of Sonora.

Chairman Rangel then directed several questions to Mr. Thomas in an effort to ascertain the extent of the cooperation between agencies on both sides of the border, the effectiveness of Mexican law enforcement efforts in terms of seizures, arrests, prosecutions and convictions, and the extent and effectiveness of marijuana and opium poppy eradication program. Mr. Thomas stated that although he has been in Nogales, Arizona, for only 4 months he is aware that there were several seizures in 1985, and a large number of arrests. Mr. Rangel attempted to obtain more specific information from Mr. Thomas, but the latter could not be more specific. Mr. Rangel also apologized to the Mexican representatives and stated that it was clear to him that they had not been sufficiently advised in advance of the purpose of the meeting.

Mr. Shaw stated that the Select Committee does not believe that Mexico is doing everything possible to alleviate the drug problem. Mr. Rosas disagreed. He stated, "I can prove that Mexico does over and above what it should be doing." Mr. Scheuer responded that this was the kind of proof that the Delegation has been asking for, and asked how this "proof" could be made available to the Select Committee. Mr. Rosas and Mr. Mendoza both replied that there is a report on the subject which was prepared two days prior to this meeting. The report is in the hands of the Attorney General and the President of Mexico. The Delegation should ask for a copy of the report when they meet with these officials in Mexico City.

After more general discussion the meeting was adjourned.

San Diego

The Committee arrived in San Diego late in the afternoon of Tuesday, January 14.

The delegation was briefed that evening at the Border Patrol station outside of San Ysidro, California. That particular station covers 16 of the nearly 2,000 miles of U.S.-Mexican border. While it is believed to be one of the most heavily used routes for illegal entry into the U.S., Committee members were amazed at the number of arrests made there. For example, during the four days immediately preceding the Committee's arrival, a total of 8,200 persons were apprehended attempting to illegally enter the United States in that area.

In FY 1985, the Border Patrol arrested approximately 1.5 million persons for illegal entry along the entire southwest border. Border Patrol officials estimate that they stop, at best, half of them. Of this group, 427,772 were arrested in the San Diego sector. Of the 1.5 million arrested in 1985, 862 were charged with narcotics violations.

The delegation was taken out into the field and shown how the Border Patrol agents detect persons trying to enter the U.S. after dusk. The site chosen was along the north (U.S.) side of a wide canyon dividing the United States and Mexico. On the opposite slope (Border Patrol agents estimated it was a distance of approximately 1½ miles) one could see many tiny specks of light. Using special infrared telescopes, the light sources were revealed to be

large bonfires, and around each of them were groups of 20–40 persons, huddling in the cold, waiting for the opportune moment to steal undetected to the other side. Delegation members were impressed by the dedication and skill of the Border Patrol agents with whom they met.

On Wednesday, January 15, the Committee was briefed by INS and the U.S. Customs Service at the POE in San Ysidro. It is believed that much of the drugs entering the United States comes right through the POE's where the immense volume of traffic and limited number of Customs and INS inspectors allow only cursory inspections of cargo, vehicles and pedestrians. The use of specially trained dogs was considered highly effective in detecting narcotic substances. The drawback was that the animals do tire quickly and lose effectiveness.

San Diego hearing

The San Diego hearing was held on Thursday, January 16. Select Committee Members present included: Chairman Rangel, Representatives Collins, Guarini, Towns, Shaw, Oxley and Hunter. Also present was Congressman Jim Bates of San Diego who requested that the Committee look into the serious narcotics trafficking and abuse situation in the San Diego area.

The hearing opened with a panel of State witnesses, including: John Van de Kamp, Attorney General of California and Director of the California Campaign Against Marijuana Planting (CAMP); Robert L. Jackson, Deputy Director, California Department of Alcohol and Drug Abuse; and Francie Alexander, Director, Curriculum and Instructional Assessment Division, California Department of Education.

The local law enforcement panel included: Edwin L. Miller, District Attorney, San Diego County; John F. Duffy, Sheriff, San Diego County; Oren Fox, Sheriff, Imperial County; and William B. Kolender, Chief of the San Diego Police Department.

Following the law enforcement officers, the Committee heard testimony from the following education and prevention professionals; Dr. Thomas W. Payzant, Superintendent, San Diego City Schools; David Dhillon, Advisor, Camarena Club, Calexico, California; Leon Williams, Supervisor, San Diego County; William Mitchell, Alcohol Drug Abuse Prevention Task Force (ADAPT); and Judy Arendsee, Californians for Drug-Free Youth. Testimony was also heard from two concerned area residents, Roberto Martinez and Glenda Allen Shekell.

The last panel of witnesses included Diogenes K. Galanos, Special Agent-In-Charge, San Diego Field Division, Drug Enforcement Administration; Quintin L. Villanueva, Jr., Regional Commissioner, Pacific Region, Customs Service; Rear Admiral Bruce Beran, Commander, 11th District, Coast Guard; Allan E. Eliason, Chief Border Patrol Agent, San Diego District Office, Immigration and Naturalization Service; Peter K. Nunez, United States Attorney, Southern District of California; and Colonel Harvey Pothier, Deputy Director, Drug Enforcement Task Force, Department of Defense.

Hearing Findings

The hearings in El Paso, Tucson and San Diego revealed a progressively deteriorating situation along our border with Mexico. Major findings from the hearings are:

1. The amounts of heroin, marijuana and cocaine entering the United States from Mexico across the Southwest border have increased sharply in the past several years and continue to climb. Increased cultivation of opium poppy and marijuana in Mexico is providing greater supplies of heroin and marijuana for the U.S. market. The amount of cocaine that enters the United States via Mexico has risen dramatically because of vastly increased cocaine production in South America. U.S. Embassy officials in Mexico City estimate that Mexico now supplies 42 percent of the heroin and 30–35 percent of the marijuana consumed in the United States, and that 30–35 percent of the cocaine entering the United States transits Mexico.

2. The situation along our border with Mexico, both with respect to illicit narcotics and illegal aliens, is out of control.

Drugs are freely smuggled from Mexico into the United States by land, sea and air. Much of the drugs smuggled into the United States comes right through the POE's where the immense volume of traffic and the limited number of Customs and INS personnel makes possible only cursory inspections of vehicles, pedestrians and cargo.

In fiscal year 1985, only 52.1 pounds of heroin and 390.2 pounds of cocaine were seized at border crossing stations on the Mexican border.

Airborne smugglers can penetrate the United States almost at will because the ability to detect aircraft below 5,000 feet is almost nonexistent along the southwest border. Aircraft to intercept, track and apprehend smugglers are extremely limited. Maritime smugglers are sophisticated, well-equipped and engage in counter-surveillance activities to avoid Coast Guard and Customs patrols.

The Border Patrol apprehends and returns to Mexico only one of every two aliens who crosses our border illegally. Approximately 1.5 million aliens were arrested by the Border Patrol in fiscal year 1985. In the San Diego area, large groups of illegal aliens, numbering several thousand in total, gather along the border each evening, waiting for an opportunity to slip across. The Border Patrol stops about one half of them. This scenario is repeated nightly.

In sum, the United States lacks an effective policy to control the flood of illegal drugs and aliens across our southwest border. Federal agencies charged with interdicting narcotics and aliens are understaffed and lack the necessary equipment and other tools to respond effectively.

3. Many of the Federal and State law enforcement officials have virtually given up hope of stopping or significantly reducing the drug traffic across our border with Mexico. Customs and DEA representatives in El Paso and Tucson told the Committee that, even if they were given additional resources, they did not believe they could make significant inroads against drug trafficking, because the smugglers would increase drug supplies in response.

4. State witnesses, including Texas Governor Mark White and New Mexico Governor Toney Anaya, testified that the Federal Government has fundamentally abdicated its responsibility to control drug smuggling across our southern border. They called upon the Federal Government to expand the DEA, Customs, and INS/Border Patrol presence along the border with Mexico.

Governor White urged increased use of the military to eliminate the national security threat posed by 18,000 undetected smuggling flights across our southern border each year. Noting that the Coast Guard does not have one high speed pursuit boat off the Texas Gulf coast, he said the State would find the funds for such a boat if the Coast Guard would staff it. Governor Anaya called for a "strategic defense initiative" to stop the drug traffic by air across the southwest border.

Both Governors said drug trafficking should be at the top of the Federal Government's list of priorities and urged increased Federal assistance to help States cope with the tremendous problems created by the influx of illicit drugs.

5. In a similar vein, local officials urged increased Federal assistance to cope with growing drug law enforcement problems. They also noted the lack of adequate Federal resources to handle Federal drug law enforcement responsibilities. For example, city and county officials in San Diego said their agencies participated with State and DEA agents in joint narcotics enforcement task forces targeting major narcotics offenders. These local officials were pleased with the cooperation and results of the task forces, but they pointed out that their participation diverted scarce local resources to investigations that should be a Federal responsibility.

6. Drug abuse has increased sharply along the border as the narcotics traffic from Mexico has grown. Cutbacks in Federal support for drug treatment under the Alcohol, Drug Abuse and Mental Health Services Block Grant has seriously affected the ability of border States to respond to the increased need for drug treatment. State and local service providers urged stronger Federal leadership and support for treatment needs.

7. Drug abuse prevention and education efforts are widely viewed as an integral part of any solution to the drug problems that plague the southwest and the rest of the Nation. A number of States, schools and communities have begun such efforts designed primarily to prevent drug abuse among school-aged children. Many witnesses, however, felt that not enough emphasis has been placed on developing effective drug abuse education and prevention programs. Notwithstanding the First Lady's strong commitment to drug abuse prevention, the Federal Government is generally seen as not providing effective leadership or support in this area.

Recommendations for Increased Drug Enforcement and Interdiction Along the Border With Mexico

At the hearings held at El Paso, Tucson and San Diego and in discussions with DEA, Customs, Border Patrol and State and local police leaders and sheriffs, the Committee elicited the following recommendations:

1. High priority and intensive diplomatic pressure should be assigned to having the drug producing countries, particularly Mexico, Colombia, Peru and Bolivia, develop and maintain effective illicit narcotic crop eradication programs. Eradication of the narcotic crop raw materials was described as the most certain way to reduce drug supply and the most effective.

2. "EPIC," the El Paso Intelligence Center, should be established as an all source narcotic intelligence center. At present 9 agencies participate providing narcotic intelligence; DEA, Customs, INS, Coast Guard, Marshals Service, FBI, IRS, BATF, and FAA. If CIA and NSA would provide narcotics intelligence coming to their attention, EPIC would be, in effect, an all source intelligence center.

The following legislation needs were recommended to better control drug smuggling aircraft departing and entering the United States.

A. All aircraft departing the United States be required by law to file a flight plan.

B. All aircraft returning to the United States from outside the country must as a first stop land at an airport where it can clear through Customs controls.

C. Failure to comply with the flight plan and Customs clearance requirements must bring heavy penalties—felony charges against the pilot and seizure of the aircraft.

D. On the basis of Article 35 of the Single Convention on Narcotic Drugs of 1961 and Article 21 of the Convention on Psychotropic Substances of 1971, arrangements or agreements should be made for "hot pursuit" of known or suspected narcotic smuggling flights. Such arrangements or agreements should provide for application of U.S. law against the aircraft the individuals involved if they are pursued and taken into custody in a foreign country, particularly if the aircraft is U.S. registered and the individuals are U.S. citizens.

4. Given the high regard in which EPIC is held for its effective performance by Federal, State and local authorities who utilize its services, the Select Committee believes it must continue to expand and increase the security of its facility. For that reason the Committee recommends to the Congress that support be provided for the establishment of its new building at Fort Bliss, Texas, to provide the space and security EPIC urgently needs.

5. During the last year this Committee has met with the Gulf State Governors and the Governors and Attorney Generals of other States where heavy drug smuggling by aircraft is delivering in-

creased high levels of marijuana and cocaine into their States for trafficking and national distribution. They request that the Federal Government assume its constitutional responsibility to prevent drug smuggling across our border and coastlines. Again, at El Paso, Tucson, and San Diego, the Committee was informed of the critical need for improved detection and interdiction of aircraft and vessels penetrating our borders and coasts for drug purposes. This Committee has taken testimony where expert witnesses estimated it would cost $10 billion to install the type of radar needed to defend our shores and borders against the large and small low slow flying aircraft used for smuggling drugs.

Given the $120 billion that is estimated to have been spent on drugs in the United States in 1985 and the other $100 billion in control costs, related crime and lost productivity each year, $10 billion for radar to prevent air smuggling seems to this Committee to be a viable and cost effective alternative that should be considered. It will also close a gap in our military defenses to protect the Nation from terrorist incursions and sneak low level bombing attacks by would be enemies.

6. At El Paso, Tucson and San Diego, the Committee learned that the line Federal drug enforcement and interdiction agencies were not sufficiently staffed, equipped and funded to cope with the smuggling and traffic in drugs now confronting them. Any budget cuts for DEA, Customs, Border Patrol and Coast Guard under Gramm-Rudman would reduce their operations and result in more drug smuggling and trafficking. The Select Committee believes every consideration should be given to increase their resources, given the threat the illicit traffic and abuse of drugs is posing to the internal security and public health of this Nation.

7. The Committee learned that the bulk of the heroin and much of the cocaine entering the U.S. from Mexico is believed to be coming in through the ports of entry, penetrating the Customs control system. The perception at present is that official pressure is for the rapid movement of people and cargo to alleviate the long lines and time delays for people and cargo to enter the country that would result from tighter screening to prevent narcotic smuggling.

This Committee recommends that an intelligent balance be developed between allowing Customs to search people, automobiles and cargo and the pressure for the rapid movement of people, automobiles and cargo through the ports of entry.

8. In hearings at El Paso, Tucson and San Diego, the Committee concluded that the U.S. Border Patrol is performing commendably with limited manpower, resources and equipment to deter and prevent illegal immigration against what appears to be a continuing human wave, where about one and one half million illegals will successfully enter the United States in 1986.

While the Border Patrol in the way of manpower, equipment and funding is incapable of effectively preventing illegal immigration across our borders, it is woefully less capable of preventing drug smuggling. Additionally, since drug smuggling is an auxiliary or secondary responsibility to illegal immigration prevention, the Border Patrol anti-drug activity seems to be only incidental or reactive to smuggling situations it encounters as a result of illegal immigration patrol activity.

The Border Patrol carries out air patrols along the border to detect and prevent illegal immigration. The U.S. Customs carries out narcotics interdiction air patrols and interceptions along the same border. Both the Border Patrol and the Customs Patrol are dependent upon DEA for narcotics intelligence to support their drug interdiction activity and the investigation and prosecution of drug smugglers intercepted. The Committee recommends that the Attorney General and the Secretary of the Treasury have the DEA, the Border Patrol and the U.S. Customs Patrol Air Wing prepare a formal unified drug enforcement and interdiction strategy for the border with Mexico for the purpose of improving our efforts to prevent drug smuggling from Mexico.

9. As part of the efforts of the United States and Mexican Attorney Generals to reinstitute and revitalize effective drug enforcement cooperation between the DEA and the Mexican Federal Judicial Police (MFJP), a special effort should be made to do this along both sides of the border, to develop joint operations within 60 or 100 miles into each country to effect narcotics arrests and seizures in the traffic originating in Mexico.

THE VISIT TO MEXICO

MEXICO CITY

Immediately upon its arrival in Mexico City on Friday, January 17, 1986, members of CODEL Rangel went to the American Embassy for a briefing by Ambassador John Gavin and the narcotics control country team. In addition to the Ambassador, participating in the briefing were: Deputy Chief of Mission (DCM) Morris Busby; DEA Special Agent-in-Charge for Mexico, Edward Heath; Narcotics Assistance Unit Chief, Richard Chidester; FBI legal Attache John Walser; Ray McGinn of the Customs Service; and Jay K. Gruner, Counselor for Regional Affairs. DCM Busby has been charged by Ambassador Gavin to direct the narcotics control effort in Mexico as his primary responsibility.

The Embassy's narcotics control program in Mexico was described as consisting of 3½ points: 1) eradication; 2) investigation; 3) public awareness; and support to interdiction efforts. The latter being only a half, because of the limited nature of what embassy personnel can do in that area.

While there are serious problems in the drug control efforts in Mexico, some positive signs are finally emerging. Operation Vanguard, a comprehensive narcotics crop eradication program, is finally being implemented after much delay. A public awareness campaign has been initiated to stress drug abuse prevention. A countrywide aerial survey of Mexico's drug production is scheduled to begin in February.

In spite of these signs of progress, there is still much more that needs to be done to achieve a successful drug eradication program in Mexico. Stressed as crucial to a successful drug program is eliminating corruption at all levels of government in Mexico.

In addition, the various units of the Mexican government involved in the drug effort need to be better coordinated. The responsibility for that, ultimately, is with the central government of Mexico, which must coordinate, not only the various Federal agencies, but also the regional and local agencies that contribute to Mexico's narcotics control effort.

A general "lack of cooperation" on the part of Mexicans involved in the many aspects of the drug fight was cited as a major stumbling block to U.S. narcotics control efforts. The continuous opposition to placing U.S. observers in Mexican eradication and aerial survey flights, dilution of herbicides made available for crop eradiction and lapses in the care of the equipment made available by the U.S. for eradication are evidence of this. One example of the Mexican lack of attention toward drug control efforts was the failure, before a hurricane, to secure a helicopter used in eradication. This negligence resulted in the loss of that helicopter.

It is believed that corruption and the fear it breeds are the major reasons why so many Mexicans are not effective in their cooperative drug enforcement efforts with the U.S. In addition, the Mexican law enforcement departments lack manpower, training and resources, resulting in general inefficiency.

A sad irony is that the brutal kidnapping and murder of DEA Special Agent Enrique Camarena has ultimately benefited U.S. drug efforts in Mexico. The Amercian outrage over this incident has brought Mexican cooperation in many levels of narcotics control, as well as some dismissals of corrupt individuals. In an effort to fight corruption, two programs of incentives for pilots, navigators and informants have been stepped up.

With as much as an estimated 42 percent of the heroin, 35 percent of the marijuana and 33 percent of the cocaine consumed in the U.S. being either cultivated in or trafficked through Mexico, the U.S. cannot afford to lessen its vigilance of the drug efforts within Mexico.

U.S. officials stress the need for Mexico to increase and intensify eradication in the major production centers. In 1985, Mexico claimed to have eradicated 5,660 hectares of opium. The U.S. estimates it is closer to 2,600 hectares. The discrepancy is said to be caused by duplication by the Mexicans of eradication projects and double counting.

Marijuana eradication was put at 2,900 hectares by the Mexican government. Again, U.S. intelligence indicates that much less was, in fact, eradicated. The DEA estimated that, during the first six months of 1985, 897 hectares were eradicated. While no figure is available yet, they estimate that eradication during the second six months was even less as a result of damage done to eradication equipment (planes and helicopters) during the earthquake and hurricane.

U.S. intelligence estimates are that in 1985, Mexico cultivated 5,200 hectares of opium and 9,000 hectares of marijuana.

MEETING WITH MEXICAN ATTORNEY GENERAL GARCIA RAMIREZ

Accompanied by Ambassador Gavin, the delegation left the U.S. Embassy to meet with Mexican Attorney General Garcia Ramirez, who is in charge of Mexico's drug control efforts, the Attorney General welcomed the delegation, mentioning the recent meeting between Presidents Reagan and de la Madrid. He made particular reference to the fact that Mr. Reagan noted the recent deaths of Mexican police in the fight against drug trafficking. He expressed deep regrets over the murder of DEA Agent Camarena.

The Attorney General described his "excellent relationship" with Ambassador Gavin, saying, "even when we disagree, we have developed an understanding with each other."

Speaking on behalf of the delegation, Chairman Rangel stated that while there is "great cooperation" between the U.S. and Mexico in narcotics control, both the quality and quantity of drugs coming across the border into the U.S. is increasing. He informed the Attorney General that the committee had touted its cooperative narcotics enforcement efforts with Mexico as a prime example of effective international narcotics control cooperation. That being

no longer the case, he added, "now we must see what we can do together to achieve that progress again."

The Attorney General claimed that Mexico was indeed waging an effective war against drug production and smuggling at the cost of much blood and money. He pointed out that drug production and trafficking had been increasing dramatically worldwide and asserted that many nations were in the same position as Mexico. "Traffic brings with it violence, corruption and political instability," Mr. Ramirez stated, emphasizing, "we must strengthen our own alliance to combat this problem and not let the traffickers take advantage of any disunity between us."

The Attorney General claimed that, sadly, the death of DEA agent Camarena was proof of the success of Mexico's enforcement actions. He believed the seizure of 8,000 tons of marijuana in the State of Chihuahua (Agent Camarena was instrumental in that investigation and seizure) precipitated the Camarena kidnapping.

Concerning the status of the Camarena investigation, the Attorney General denied that Mexican authorities were "holding back" in the investigation. He claimed that more probative evidence was needed before Mexico could move against certain suspects.

Mr. Ramirez urged a more intensified effort against money laundering. He also called for additional aircraft, helicopters, and more effective cooperation between those involved in the drug control effort. Ramirez claimed that the war on drugs was at a "critical stage—justice and fair play must recognize what is being done in Mexico, and what is needed for improvement and greater success."

Congressman Gilman said, "We are hearing the same old problems still plaguing the Mexican eradication and verification effort." He noted that Congress and the American public are frustrated by the lack of progress in Mexico. He reemphasized the Committee's disappointment that Mexico was no longer the model for other drug producing nations to follow.

In response and in closing, the Attorney General suggested that a start in improving the situation would be an intensified effort to make the Vanguard Program effective.

MEETING WITH PRESIDENT DE LA MADRID

The President opened the meeting by stating that drug trafficking was a special concern of his and that he was closely aligned with the United States on this issue. He noted that his recent meeting with President Reagan and meetings between Attorneys General Meese and Garcia Ramirez served to strengthen and broaden U.S.-Mexican narcotics control cooperation.

Yet, de la Madrid admitted, "we have a long way to go." He described drug trafficking as an "international crime" for which there is no resolution without close international cooperation. He pointed to the recent Mexican initiative to convene a conference in 1986 of Latin American Attorneys General as a positive step his Administration has taken in this direction.

Chairman Rangel responded, "no one questions that our nations cooperate on this issue, but the fact remains that the production and traffic of illicit drugs from Mexico is increasing. We must go back to our cooperation of the 1970's." He urged Mexico to join

with the U.S. in trust and partnership to achieve an effective eradication and verification program.

President de la Madrid asked the delegation to work towards opening up the U.S. market for more agricultural goods from Mexico, claiming that a larger market for Mexican agricultural products would lift pressures on Mexican farmers to grow illicit crops for income. He stressed the futility of forcing narcotics control cooperation on those who lack jobs or income to feed and support their families.

Mr. Shaw stated that he found this idea disturbing. He claimed that "Mexico does not have enough time" to explore a new crop substitution scheme, that time was of the essence for Mexico to begin effective eradication of illicit crops. The failure to do so, Mr. Shaw noted, would only cause Mexico to replace Colombia as the target of anti-drug sentiment in the United States.

Mr. Gilman agreed with the President's description of drug trafficking as an international criminal activity and called on Mexico to engage in increased consultive efforts at the U.N. and in regional organizations on drug issues. Mr. Gilman also called on Mexico to increase its contributions to the United Nations Fund for Drug Abuse Control (UNFDAC).

Mr. Guarini told the President that "drug availability is up, not only along our border, but throughout the United States. This is causing great frustration in our country." He urged the President to join with the United States in forging a new bilateral strategy to respond to the drug abuse crisis.

Mr. Oxley urged the President to have his country's law enforcement agencies engage in increased money laundering investigations. De la Madrid responded that Attorney General Ramirez was already moving in that direction.

In closing, Mr. Towns stated the delegation wished to convey a message from the widow of slain DEA agent Enrique Camarena. On her behalf, the delegation asked the President to use the powers and influence of his office to apprehend and bring to justice her husband's murderers.

Culiacan Field Mission

The field trip to Culiacan started with a briefing at the Operational Center of the Mexican Attorney General's Aerial eradication program at the Mexico City Airport. Richard Chidester, U.S. Narcotics Assistance Unit (NAU) Chief, co-ordinated the presentation with input from Morris Busby, Deputy Chief of Missions, and Edward Heath, DEA Special Agent-in-Charge for Mexico.

In addition to members of the delegation and both U.S. and Mexican press, the briefing was attended by the following Mexican government officials: Lic. Simon Vargas, Coordinator of the Special Bilateral Program of Cooperation and Supervision of the Campaign Against Narcotics; Lic. Jose Maria Ortega Padillo, General Supervisor of Technical Services and Criminology; Dr. Manuel Mandragon y Kalb, Director of Social Participation and responsible for ADEFAR (Public Awareness Program); Lic. Felipe Flores, Sub-Director for Press and Public Relations; and Dr. Malo Cammacho, Supervisor of Mr. Ortega.

There are presently 47 Bell 206 helicopters, 29 of which are equipped with sprayers; 13 Bell 212 transport helicopters, 3 of which are equipped with sprayers; 21 Cessna 206 fixed-wing aircraft; 1 King Aire; and 3 other transport aircraft. In all, there are 32 aircraft which are presently equipped with sprayers. Twelve additional spray kits are expected in Mexico by early March 1986. There are 2 additional turbo-Thrush fixed-wing aircraft, used exclusively for spraying, on loan from INM until mid-1986. Also by mid-1986 they expect to complete the rebuilding of another Bell 212 which had been damaged in 1983.

As a general rule, 80 percent of all of these aircraft are operational and available to fly at any one time. The remainder are usually receiving major or minor maintenance, depending upon the model and the number of flight hours logged. For example, there are currently 3 Bell 212's undergoing their 1,000 hour checkup, during which essentially all parts are inspected and replaced. This same major overhaul occurs with Bell 206's at the 1,200 hour mark.

There are usually 146 pilots involved in the program dividing the tasks of detecting illicit crops, fumigating fields and verifying eradication. Approximately 70 percent will fly at any one time. NAU's goal is to have 60 pilots flying fumigating aircraft throughout the country by the spring of the year. It expects to have 29 aircraft (Bell 206's) flying at one time, fumigating throughout Mexico, by February 1st.

The Bell 206 can carry a maximum of 65 gallons of herbicides at one time. This quantity can cover 1.18 hectares of land. NAU expected to have 2 Bell 212's up and spraying within 3 weeks. These aircraft can carry up to 250 gallons of herbicides. The quantity of herbicides is adjusted by climate conditions and altitude.

Each aircraft makes an average of 3 flights per day. Spraying becomes more difficult later in the day due to the steadily increasing heat of the sun which causes rapid evaporation of the herbicide and greater drift in application. NAU has determined that a major cost factor is the fact that several applications must be made to any one field in order to assure effectiveness. They realize that this heavy concentration of time on relatively few fields not only diminishes the possibility for wider application, but also results in increased maintenance and fuel costs.

For eradication purposes, Mexico has been divided into 13 zones. Originally, three or four aircraft were assigned to each zone. In 1985, there was a change in strategy with a decision to use "sweep" operations, involving a heavy concentration of aircraft and personnel in individual zones. This strategy was scrapped because other zones were left untreated for extremely long periods of time. Given that the growth cycle for both the opium poppy and marijuana range between 110 to 120 days, this was not a workable and efficient strategy for eradication. The "sweep" operation strategy also resulted in heavy maintenance problems and high operating costs.

It is estimated that 5,200 hectares of opium poppy and 9,000 hectares of marijuana were cultivated in Mexico in 1985. There have been ongoing problems with the eradication program in terms of aircraft maintenance, lack of adequately trained pilots, and verification of eradication, but at least from late 1975 through 1979 it was remarkably effective and while it has slipped since then, it is

still the biggest and best aerial herbicide eradication program in the world, eradicating more poppy and marijuana annually than any other program.

During October 1985, for example, 560 hectares of opium poppy were sprayed, with a 40 percent verification. While this is indicative of improvement, much more must be done. Cultivation is increasing at a rapid pace, outdistancing the eradication program.

Two means by which the program can and will be made more effective are better maintenance and improved verification methods. A second maintenance base is recommended for Guadalajara in the north to complement the Mexico City base in the south. This would decentralize and reduce response time for maintenance. Additionally, a special agreement has already been reached with commercial airlines for on site delivery of spare parts. This would ensure that most aircraft parts could be delivered within 24 hours.

Helicopter pilots will be scheduled for training every six months. The training will be mandatory. Those failing to attend will be grounded. The continuous training will result in increased pilot safety, reduced aircraft abuse, consequently reduced maintenance costs, and increased air time.

During the field trip to Culiacan, the delegation was joined by additional officials of the Mexican Government: Lic. Antonio Villade, DIRVE, who has direct responsibility for reconnaissance and verification; and Marto Cuevas, Coordinator for Zone 6.

Culiacan is the capital city of the Mexican State of Sinaloa. It is located in eradication zone 6 and is the center of the heaviest areas of opium poppy cultivation in Mexico. 65% of the eradication in 1985 was in the mountains east of Culiacan.

The delegation flew into this mountainous area. From the helicopters it appeared that these areas were accessible by 4-wheel drive vehicles or burro over narrow packed dirt roads. In many areas it was apparent that access could be gained only by foot or burro. Areas of opium cultivation varied in size, and were for the most part in isolated locations on mountain sides. From the air, individuals could be seen hiding under trees, watching the helicopters. Several small packed dirt landing strips were also sighted.

The delegation landed at two sites. At the first site, a 1/10 of a hectare field of opium poppy was being sprayed. The young plants (3–4 weeks old) were enclosed in a fenced-in area to prevent animals from eating the plants. A hose, estimated to be several hundred meters in length and equipped with a sprinkler, provided the irrigation. This area was sprayed as the delegation watched. Poppy plants estimated to be three months old were shown to the Members. Some had already been incised once to extract the gum. Poppy pods can be incised 3 to 5 times. It was estimated that a crop of this size would yield approximately $5,000 to the grower organizing the operation. The workers hired to do the intensive hand labor involved are low paid, but they receive more than they would for working on a legal crop.

The second opium poppy field visited by the delegation was an area estimated to be 1/10 of a hectare, or 8,000 square meters. This site had been sprayed the previous day, Friday, January 17th. The plants, estimated to be 18 days old, were already wilted. It was estimated that the field, which was also fed by an irrigation system,

would have yielded about 3 kilograms of opium, or slightly more than enough to produce 300 grams of opium, which would have a wholesale value of at least $65,000.

In addition to the maintenance and personnel (training) problems which the program has encountered, NAU cites extremely hazardous and stressful flying conditions to which the pilots are subjected. The areas which must be sprayed are very often located in extremely narrow valleys, leaving very little margin for pilot error. Aircraft have been fired upon by growers, resulting in the crash of one helicopter in October 1985. Two other helicopters were hit by ground fire earlier in the year. Growers have also set up "trip" wires which are intended to become entangled in the helicopters' rotors, causing crashes. Despite all of this, U.S. experts believe that 1986 will be a year in which a much greater quantity of both opium poppy and marijuana will be eradicated, reducing the availability of these Mexican drugs in the U.S.

The Committee delegation noted that this cultivation of poppy for opium was not like the traditional cultivation of the crop by peasant farmers growing it adjacent to other crops close by their homes and villages. The production visited was in remote areas with expensive and ambitious irrigation tubing and cultivation that required impressive organization and planning, considerable manpower and financial support. This cultivation was clearly not that of a peasant farmer growing a little opium in addition to his subsistence crops for some extra income, but rather a cultivation organzied by professional traffickers with as many hired hands, equipment and funding as necessary to produce opium for their laboratories to manufacture and supply heroin to the United States.

Notwithstanding this, opium poppy cultivation viewed over a wide expanse of mountain terrain was glaringly vulnerable to detection and eradication by helicopter herbicide spraying. There is no question that most, if not almost all of this crop could be destroyed by a helicopter force of adequate strength operated with efficiency and determination.

Recommendations

1. When this Committee visited Mexico in August 1983, it reported that "estimates of the percentage of heroin supplied to the United States from Mexico from 1979 through 1983 were between 30 and 40 percent." This was a period of time when all indicators pointed to an upswing in overall heroin availability, largely due to increasing supplies from southwest Asia, particularly Pakistan.

It noted that Mexico has maintained its 30 to 40 percent share of a steadily expanding volume of heroin in the United States since 1979. Following progressive annual increases in poppy eradication from 1976 through 1978, this leveled off in 1979. From that point on it is thought the Government of Mexico had not been able to annually increase the percentage of the opium crop eradicated. There are reports that from 1979 opium production in Mexico on an annual basis increased gradually as growers moved to widely dispersed small plots.

The Committee recommended that "the Department of State assist the Government of Mexico develop, as soon as possible the capability to survey the extent of opium and marijuana production in its territory via high altitude aircraft or satellite. This would be for the purpose of detecting and pinpointing cultivation for eradication, verification of destruction and measuring whether production is increasing or decreasing annually and how much may be actually produced.

On this visit to Mexico, the Committee learned that no steps were taken by the Department of State with the Government of Mexico to implement or even consider this recommendation until late in 1985 when arrangements were made to begin an aerial survey operation in February 1986. In the intervening two years of inaction on developing an aerial survey and detection system, indicators pointed to increasing opium production and a dramatic explosion in marijuana cultivation. By 1981, Mexico's share of the illicit marijuana traffic to the United States dropped to about four percent. In 1982 it increased to six percent; in 1983 to eleven percent; in 1984 to fifteen percent; and in 1985 to 25 percent. An aerial survey organized in 1983 as recommended could have done much to prevent these dramatic increases in opium and marijuana production in Mexico now affecting the United States.

The Committee is pleased with the start that now has been made to assist Mexico develop a narcotic aerial survey and recommends that the Department of State assign the highest priority to assisting the Government of Mexico develop a "high tech" capability to survey the extent of opium and marijuana production in its territory via high altitude aircraft or satellite. This would be for the purpose of detecting and pinpointing cultivation for eradication, verification of destruction and measuring whether production is increasing or decreasing annually and how much may be actually produced.

2. Following its 1983 visit to Mexico, the Committee recommended in its report that "the Department of State should determine as soon as possible whether the number of helicopters, particularly the 33 Bell 206 helicopters used for eradication, were sufficient in number to enable the Mexican Attorney General's Office to begin again to progressively eliminate on an annual basis a greater percentage of the opium poppy crop. It recognized that through an effective aerial survey of production they could better identify poppy fields and that would make for a more effective utilization of the eradication aircraft. However, it just might be that more Bell 206 helicopters were needed to increase eradication effectiveness and a determination on this should be made."

The Committee learned on its January 17–19, 1986, visit to Mexico that this determination was never made. A dichotomy continues between the leadership of the Mexican Attorney General's aerial eradication unit and the Embassy's Narcotics Assistance Unit (NAU) on the question of whether the aviation unit has sufficient aircraft to effectively eradicate the poppy and marijuana crop. The Mexicans take the position that they do not. The Embassy NAU position is that if the aviation unit utilized its equipment more fully and effectively, it would have no need for any additional helicopters. Recently agreement was reached where the aviation

unit would adopt recommendations for fuller and more efficient utilization of existing helicopters. If this proves adequate to getting the job done, no additional helicopters will be provided for the present. If it is concluded that more helicopters are needed, they would be provided. While the Mexican aviation unit concedes that improvements in the effective use of existing equipment can always be made it remains convinced that more helicopters are needed.

The Committee recommends and urges the Department of State and Embassy at Mexico City to ensure that the Mexican Attorney General's Office is utilizing its eradication program helicopters at maximum effectiveness and is once again effectively eliminating each year a larger percentage of the poppy and marijuana crop than the previous year. If additional helicopters are needed to make the progressive elimination of narcotic crop production in Mexico possible, they should be provided as rapidly as possible. Opium poppy and marijuana production in Mexico stands exposed and vulnerable to aerial detection and eradication for months at a time. Destruction of these narcotic crops is the most certain and cost effective means of preventing drug trafficking and abuse and should be assigned the highest priority.

The United States and Mexican Governments must together at the highest levels ensure that sufficient manpower, equipment and operational funding is provided to ensure that the Mexican aerial detection, eradication and verification force has the means to eradicate or threaten the eradication of the entire poppy and marijuana crop in Mexico.

3. When the Committee visited Mexico in August 1983, it learned that narcotic enforcement cooperation extended to the U.S. Drug Enforcement Administration (DEA), assigned to the Embassy and Consulates in Mexico, by the Mexican Federal Judicial Police (MFJP) during the last 18 months of the Lopez Portillo administration (July 1981 to December 1982) had been ineffective, if not nonexistent. This is a situation that should not have been permitted to exist more than a few weeks, let alone a year and a half. It does not appear to be a coincidence that during the period of time where there was a breakdown in cooperation between the MJFP and DEA that a marked increase in the availability of Mexican heroin developed in the United States. The Committee was told in August 1983 that with inauguration of the de la Madrid administration, cooperation between the MFJP and the DEA returned to normal by early 1983.

In its report covering the 1983 visit, the Committee recommended that as an important first step the concept of joint narcotics prosecutions, known as the "JANUS" program should be reactivated. The concept provides for exchanging narcotic evidence, witnesses and testimony to prosecute important narcotic violators in one country on the basis of the evidence that can be gathered in both countries or third countries. The Committee believed that a series of cases could be initiated to exploit existing evidence that could be used to prosecute and convict major sources of supply, heroin laboratory operators and the financial backers of the traffic in Mexico and the United States.

On its visit to Mexico on January 17–19, 1986, the Committee learned that not even a start had been made in developing any ef-

fective prosecutions in Mexico with the MFJP on the basis of evidence available in the United States through the DEA.

Again, in its report covering the 1983 visit, the Committee stated, "In Mexico it is not enough for the government to just eradicate the opium and marijuana crops. A vigorous joint narcotic enforcement effort by the MFJP assisted by DEA is needed to develop important heroin arrests and seizures in the traffic directed toward the United States.

Clandestine heroin laboratories should be confiscated on a regular basis. The MFJP and DEA should also work together to prevent international traffickers from using Mexico as a transit base to smuggle heroin of European and Asiatic origin, cocaine and psychotropic drugs to the United States because of the ease with which they can penetrate the United States' 2,000 mile border with Mexico.

In its visit of January 17–19, 1986, to Mexico the Committee confirmed that no progress had been made by the DEA and the MFJP to effectively address the trafficking of heroin and marijuana of Mexican origin and as much as 30 to 35 percent of the cocaine traffic from South America that is directed at the United States via the major Mexican narcotic trafficking organizations. This almost total lack of effective and meaningful cooperation by the MFJP with DEA was highlighted during 1985 at Guadalajara by the kidnapping, torture and brutal murder of DEA Special Agent Enrique Camarena and Alfredo Zaval Avelar, a Mexican aircraft pilot who had been working with him.

Sadly, there are credible allegations that members of the MFJP as well as the Mexican Security Police were corrupted into participating in this heinous crime by a conspiricy of major drug traffickers.

While hundreds of courageous narcotics enforcement officers worldwide have been killed in performance of their duties attempting to arrest violators, raid premises and seize drugs, that is the first time an officer has ever been kidnapped, tortured and murdered simply because he was a narcotics enforcement officer.

The MFJP is the agency responsible for investigating the Camarena murder in concert with what is known under the "Napoleonic Code" system of law as an "instructional judge" or "investigating magistrate." Under the supervision of the Mexican Attorney General, the instructional judge using the MFJP as his investigators is assigned to prepare a case that would identify, implicate, charge and prosecute the perpetrators of the Camarena and Zaval murders.

The MFJP and the Mexican Magistrates or Judges who have persistently failed to develop important narcotic prosecutions, notwithstanding the availability of evidence, are failing to develop up until now at least, a prosecution that will identify all of the conspirators and bring them to justice. If this cannot be done, there is little or no hope that the MFJP and the Mexican Federal judicial system will ever be able to develop an effective narcotic enforcement program.

The Committee recommends that the United States Attorney General and the Mexican Attorney General increase and intensify the efforts they have already initiated to bring the narcotic en-

forcement cooperation of the DEA and the MFJP to an acceptable performance level. The U.S. Attorney General in every way possible should assist the Mexican Attorney General in the latter's efforts to develop an effective "instructional judge or magistrate system" that would provide for bringing to prosecution cases such as the Camarena murder and major narcotic conspiracies on a routine basis.

4. This Committee has long been concerned with the inability of the United States Government in cooperation with the Government of Mexico to develop any meaningful system or program that would provide for the investigation and prosecution of important and major narcotic traffickers in Mexico responsible for the traffic directed at the United States. Investigative leads sent from the United States are reportedly not effectively followed up by the MFJP, and the MFJP has never devised or implemented procedures to use evidence and witnesses developed and available in the United States to prosecute Mexican violators in Mexico. The excuse most often cited for this failure is the difference of our legal or judicial systems: Anglo-Saxon law versus the Napoleonic Code. Closer examination, however, indicates that this should not be the case because for 35 years the United States has been developing joint narcotics prosecutions with Italy, France, Spain, Belgium, The Netherlands, The Federal Republic of Germany, and Switzerland, all of which essentially have the same system of law as Mexico. The U.S.-Mexican failure to develop a similar formula of effective narcotic prosecutorial cooperation is one of implementation, not legal conflict.

To correct this, the Committee recommends that the United States and Mexico organize two small units, one in Mexico City and one in Washington, D.C. They each would be staffed by a small number of MFJP investigators and Mexican instructional judges or magistrates, plus DEA Special Agents and U.S. Department of Justice Attorneys. The unit in Mexico City would be supervised by a Mexican official and the office at Washington, obviously, by a U.S. official. Each office utilizing its binational expertise would oversee the collection and preparation of evidence and testimony for transmittal for prosecution purposes to the other country.

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